UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,045	10/29/1999	DAVID CARROLL CROMWELL	7000-045	6702

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EXAMINER
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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 August 2003_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19,36-45 and 52-69_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19,36-45 and 52-69_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

   a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAIL ACTION

1.   Claims 1 – 19, 36 – 45, 52 - 69 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 4-7, 12, 13, 16-19, 36, 38-40, 52, 54, 55, 59, 60, 62-69, are rejected under 35

U.S.C. 103(a) as being unpatentable over Johnson et al. [US Patent No 5,434,910], in view of

Cremia [US Patent No 6,477,704].

4.   As per claim 1, Johnson discloses the invention substantially as claimed including a

sequence processor for providing access to a sequence of audio segments accessible by an audio

server, the audio segments comprising at least portions of network-related announcements to be

played to a recipient, the sequence processor comprising computer-executable instructions

embodied in a computer-readable medium for performing steps comprising:

receiving a request for playing the sequence of audio segments, the sequence being

identified by an audio identifier [Abstract; and col 1, lines 56-col 2, lines 9];

locating, in an audio server database, the sequence of audio segments based on the audio

identifier [col 6, lines 62-col 7, lines 2; and col 12, lines 31-34].

Johnson does not specifically disclose

playing the sequence of audio segments to the recipient so that the recipient is apprised of

at least one network-related announcement.

Cremia discloses

playing the sequence of audio segments to the recipient so that the recipient is apprised of

at least one network-related announcement [col 3, lines 61-col 4, lines 16].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Johnson and Cremia because Cremia's teaching of network-related

announcement would allow the system to broadcast information to a large audiences.

5.   As per claim 4, Johnson discloses transmitting audio data packets to a gateway over a

packet-based network, and wherein the gateway plays the sequence [28, Figure 1; and col 3,

lines 59-66].

6.   As per claim 5, Johnson discloses receiving a request for playing the sequence of audio

segments wherein at least one of the audio segments is a variable [col 5, lines 18-46].

7.   As per claim 6, Johnson discloses resolving the variable into an audio data segment [col

4, lines 54-63].

8.   As per claim 7, it is rejected for similar reasons as stated above in claim 1. Furthermore, Johnson discloses a selector for specifying a member of the set corresponding to the audio segment [col 10, lines 16-36] and selecting the audio segment to be played based on the audio identifier and the selector [col 14, lines 11-32].

9.   As per claim 12, it is rejected for similar reasons as stated above in claims 1, 5 and 6. Furthermore, Johnson discloses determining whether the variable is an embedded variable [col 10, lines 39-59] and playing the sequence including the variable [col 5, lines 13-17].

10.   As per claim 13, Johnson discloses in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable [col 5, lines 18-46; and col 7, lines 65-col 8, lines 6].

11.   As per claims 16-19, they are rejected for similar reasons as stated above in claims 5-7.

12.   As per claim 36, it is rejected for similar reasons as stated above in claim 1.

13.   As per claim 38, it is rejected for similar reasons as stated above in claim 4.

14.   As per claim 39, it is rejected for similar reasons as stated above in claims 5 and 6.

15.   As per claim 40, it is rejected for similar reasons as stated above in claim 7.

16.   As per claim 52, it is a method claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

17.   As per claim 54, it is a method claimed of claim 4, it is rejected for similar reasons as stated above in claim 4.

18.   As per claim 55, it is method claimed of claim 7, it is rejected for similar reasons as stated above in claim 7.

19.   As per claim 59, it is rejected for similar reasons as stated above in claim 12.

20.   As per claim 60, it is rejected for similar reasons as stated above in claim 1. Furthermore, Johnson discloses an interface card, an audio server database embodied in a memory device, and a processor [col 3, lines 40-51; and col 4, lines 23-44].

21.   As per claim 62, it is rejected for similar reasons as stated above in claim 7.

22.   As per claim 63, it is rejected for similar reasons as stated above in claims 1, 5 and 6.

23.   As per claim 64, it is rejected for similar reasons as stated above in claim 1.

24.   As per claim 65, it is rejected for similar reasons as stated above in claim 7.

25.   As per claim 66, it is rejected for similar reasons as stated above in claims 5 and 6.

26.   As per claims 67-69, they are rejected for similar reasons as stated above in claims 1, 5-7.

27.   Claims 2, 3, 10, 11, 37, 53, 56 and 61, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Johnson et al. [US Patent No 5,434,910], in view of Cremia [US Patent No

6,477,704], and further in view of Schuster et al. [US Patent No 6,567,399].

28.   As per claim 2, Johnson and Cremia do not specifically disclose receiving a request from

a media gateway control protocol (MGCP) call agent. Schuster discloses receiving a request

from a media gateway control protocol (MGCP) call agent [col 5, lines 17-36]. It would have

been obvious to a person skill in the art at the time the invention was made to combine the

teaching of Johnson, Cremia and Schuster because Schuster's teaching of MGCP would provide

a high fidelity voice/audio transmission that overcomes the sound quality limitations associated

with the existing PSTN communication system [Schuster, col 3, lines 60-63].

29.   As per claim 3, Schuster discloses receiving an MGCP NotifyRequest command from the

call agent [col 5, lines 52-63].

30. As per claims 10 and 11, they are rejected for similar reasons as stated above in claims 2 and 3.

31. As per claim 37, it is rejected for similar reasons as stated above in claim 2.

32. As per claim 53, it is a method claimed of claim 2, it is rejected for similar reasons as stated above in claim 2.

33. As per claim 56, it is method claimed of claim 2, it is rejected for similar reasons as stated above in claim 2.

34. As per claim 61, Johnson and Cremia do not specifically disclose at least one digital signal processing (DSP) card for converting the sequence of audio data segments extracted from the audio server database into a format for playing to the recipient. Schuster discloses at least one digital signal processing (DSP) card for converting the sequence of audio data segments extracted from the audio server database into a format for playing to the recipient [col 7, lines 56-67]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Johnson, Cremia and Schuster because Schuster's teaching of DSP would increase the processing speed of the system.

35.   Claims 8, 9, 41, 42, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Johnson et al. [US Patent No 5,434,910], in view of Cremia [US Patent No 6,477,704],

and further in view of Mankovitz [US Patent No RE37,131].

36.   As per claim 8, Johnson and Cremia do not specifically disclose the set contains a

plurality of levels of audio data qualifiers and the selector specifies a path through the levels that

leads to the member corresponding to the audio segment to be played. Mankovitz discloses the

set contains a plurality of levels of audio data qualifiers and the selector specifies a path through

the levels that leads to the member corresponding to the audio segment to be played [col 8, lines

11-18 and lines 38-57]. It would have been obvious to a person skill in the art at the time the

invention was made to combine the teaching of Johnson, Cremia and Mankovitz because

Mankovitz's teaching would provide different level of quality audio data according to user's

request.

37.   As per claim 9, Mankovitz discloses the set contains a plurality of levels of audio data

qualifiers and the selector specifies a partial path through the levels and selecting the audio data

segment to be played includes traversing the levels in the order specified by the selector and

supplying default paths through levels not specified by the selector [col 10, lines 56-col 11, lines

10].

38.   As per claim 41, it is rejected for similar reasons as stated above in claim 8. Furthermore,

Mankovitz discloses means for traversing the set based on the path specified by the selector [col

19, lines 39-45].

39.   As per claim 42, it is rejected for similar reasons as stated above in claim 9.

40.   As per claims 57 and 58, they are rejected for similar reasons as stated above in claims 8

and 9.

41.   Claims 14, 15, 43-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Johnson et al. [US Patent No 5,434,910], in view of Cremia [US Patent No 6,477,704], and

further in view of Szlam [US Patent No 5,511,112].

42.   As per claim 14, Johnson and Cremia do not specifically disclose the variable is

Multilanguage variable and wherein resolving the variable includes selecting audio data

segments to be played based on a language specified by the variable. Szlam discloses disclose

the variable is Multilanguage variable and wherein resolving the variable includes selecting

audio data segments to be played based on a language specified by the variable [col 12, lines 31-

53]. It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Johnson, Cremia and Szlam because Szlam's teaching of

Multilanguage would provide portability to the system and also allow to support multiple groups

of recipients.

43.   As per claim 15, it is rejected for similar reasons as stated above in claim 14.

44.   As per claim 43, it is rejected for similar reasons as stated above in claims 1, 5, 6 and 14.

45.   As per claim 44, Szlam discloses means for selecting audio segments having inflections

in accordance with the language specified in the request [col 12, lines 48-51].

46.   As per claim 45, it is rejected for similar reasons as stated above in claim 7.

47.   Applicant's arguments with respect to claims 1-69 have been considered but are moot in

view of the new ground(s) of rejection.

48.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 308-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen